

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

In re: LEVAQUIN PRODUCTS  
LIABILITY LITIGATION

MDL No. 08-1943 (JRT)

---

This Document Relates to All Actions

**ORDER**

---

Ronald S. Goldser and David M. Cialkowski, **ZIMMERMAN REED, PLLP**, Suite 501, 651 Nicollet Mall, Minneapolis, MN 55402-4123; Lewis J. Saul, **LEWIS SAUL & ASSOCIATES**, 3<sup>rd</sup> Floor, 29 Howard Street, New York, NY 10013; Robert Binstock, **REICH & BINSTOCK, LLP**, Suite 1000, 4265 San Felipe, Houston, TX 77027; Yvonne Flaherty, **LOCKRIDGE, GRINDAL NAUEN, PLLP**, Suite 2200, 100 Washington Avenue South, Minneapolis, MN 55401; W. Lewis Garrison, **HENINGER, GARRISON & DAVIS, LLC**, P.O. Box 11310, Birmingham, AL 35203; Troy Giatras, **THE GIATRAS LAW FIRM, PLLC**, Suite 400, 118 Capitol Street, Charleston, WV 25301; Brian J. McCormick, Jr., **SHELLER, PC**, Third Floor, 1528 Walnut Street, Philadelphia, PA 19102; and John Walsh, **THE LAW OFFICE OF JOHN P. WALSH**, P.O. Box 22418, Seattle, WA 98122-0418, for plaintiffs.

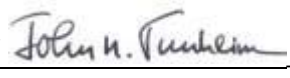
Tracy J. Van Steenburgh, **HALLELAND LEWIS NILAN & JOHNSON, PA**, 600 US Bank Plaza South, 220 South Sixth Street, Minneapolis, MN 55402; John Dames and William V. Essig, **DRINKER BIDDLE & REATH LLP**, Suite 3700, 191 North Wacker Drive, Chicago, IL 60606-1698; and William H. Robinson, **LECLAIRRYAN**, Suite 700, 225 Reinekers Lane, Alexandria, VA 22314; Michael D. Hutchens, Jennifer E. Ampulski, and Bradley J. Lindeman, **MEAGHER & GEER, PLLP**, Suite 4400, 33 South Sixth Street, Minneapolis, MN 55402, for defendants.

In Pretrial Order #1 of this Multi-District Litigation, this Court incorporated various discovery restrictions implemented in one of the underlying actions. (*See* Docket No. 50 at 9.) These restrictions limited the right of defendants to take depositions of plaintiffs' prescribing physicians. Defendants Johnson and Johnson, Ortho McNeil

Pharmaceutical, Inc., and Johnson and Johnson Pharmaceutical Research and Development, LLC (collectively, “defendants”) have brought a motion to lift this restriction as to seven specific plaintiffs. (Docket No. 77.) On February 20, 2009, this Court issued Pretrial Order No. 4, which listed the cases in which case-specific discovery – including depositions of treating physicians – should proceed. (Docket No. 132, at 1-2.) That list includes all of the cases addressed in defendants’ motion. Accordingly, the discovery sought by defendants is now permitted, and any amendment of Pretrial Order No. 1 is unnecessary. Thus, defendants’ motion to amend Pretrial Order No. 1 is denied as moot.

Based on the foregoing records, files, and proceedings herein, **IT IS HEREBY ORDERED** that defendants’ Motion to Amend Pretrial Order No. 1 on Procedural Issues Dated November 5, 2008 [Docket No. 77] is **DENIED as moot**.

DATED: March 24, 2009  
at Minneapolis, Minnesota.

  
\_\_\_\_\_  
JOHN R. TUNHEIM  
United States District Judge